

IT IS on this 13th day of May, 2010

1. Fact discovery shall close on **June 15, 2010**.
2. Affirmative expert reports shall be submitted by **June 30, 2010**, with depositions of those experts to be taken and completed within thirty (30) days of receipt of the report.
3. Responding expert reports shall be submitted by **August 15, 2010**, with depositions of those experts to be taken and completed within thirty (30) days of receipt of the report.
4. Summary judgment motions shall be filed after the close of all discovery, but no later than **September 30, 2010**.
5. There shall be a telephone status/settlement conference before the Undersigned on **September 17, 2010 at 11:00 a.m.** Plaintiff shall initiate the telephone call. By **September 10, 2010**, each party shall deliver directly to the Undersigned by mail or facsimile a confidential settlement position statement, not to exceed **five (5) pages** summarizing the client's position on settlement.
6. Plaintiff's request to take the Rule 30(b)(6) deposition of Defendant Sears Corporation concerning what Sears knew about the allegedly defective manufacture and/or design of the garage door openers made by non-party Craftsman is hereby denied. Plaintiff's discovery request goes to the fraud counts which have been dismissed with prejudice by the Hon. Jose L. Linares, U.S.D.J. and is not relevant to the remaining claims of unjust enrichment and breach of warranty. To the extent Defendant's contemplated

motion for summary judgment is denied, Plaintiff may make a renewed application to the Court.

s/ Claire C. Cecchi
HON. CLAIRE C. CECCHI
United States Magistrate Judge

Clerk of the Court
File